

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**DARRYL D. SMITH,)
v.)
Plaintiff,)
EXPRESS JET AIRLINE,)
Defendant.)**

No. 13-2651-STA-dkv

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the United States Magistrate Judge's Report and Recommendation issued September 12, 2013, that Plaintiff's claim for retaliation be dismissed sua sponte and that process issue as to Plaintiff's remaining claim for age discrimination. On August 21, 2013, Plaintiff filed a Pro Se Complaint alleging that Defendant terminated his employment because of Plaintiff's age and in retaliation for some unspecified activity. In her Report and Recommendation, the Magistrate Judge reasoned that Plaintiff had failed to exhaust a claim for retaliation in his EEOC charge and had also failed to state the claim in his pleadings. Therefore, the Magistrate Judge recommended that the Court dismiss the claim sua sponte under 28 U.S.C. 1915(e)(2). With respect to Plaintiff's remaining claim for age discrimination, the Magistrate Judge recommended that the Court order the Clerk to issue summons and deliver process to the United States Marshal to effect service on Defendant.

Objections to the Report and Recommendation were due within fourteen (14) days of the

entry of the Report, making the objections due on or before September 30, 2013.¹ Neither party has filed objections within the time permitted. Having reviewed the Magistrate Judge's Report and Recommendation *de novo* and the entire record of the proceeding, the Court hereby **ADOPTS** the Magistrate Judge's Report. The Clerk is ordered to issue summons and deliver process to the United States Marshal to effect service on Defendant. The Court hereby orders Plaintiff to serve a copy of every document filed in this matter on the attorney for Defendant, make a certificate of service on every document filed, familiarize himself with the Federal Rules of Civil Procedure and this Court's local rules, and promptly notify the Clerk of any change of address or extended absence. Plaintiff is warned that failure to comply with these requirements, or any other order of the Court, may result in the dismissal of his case without further notice.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: October 4, 2013.

¹ The parties received the benefit of three additional days to file objections under Federal Rule of Civil Procedure 6(d).